

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

As a named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

NO-MODIFIED HEMOGLOBINS AND USES THEREFOR

the specification of which (check one)

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as United States Application  
Number or PCT International Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

			Priority Not Claim
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[ ]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[ ]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[ ]

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

<u>60/003,801</u> (Application Number)	<u>September 15, 1995</u> (Filing Date)
_____ (Application Number)	_____ (Filing Date)

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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/796,164</u> (Application Serial No.)	<u>02/06/97</u> (Filing date)	<u>Pending</u> (Status, patented, pending, abandoned)
<u>PCT/US96/14659</u> (Application Serial No.)	<u>09/13/96</u> (Filing date)	<u>Pending</u> (Status, patented, pending, abandoned)
<u>PCT/US96/14660</u> (Application Serial No.)	<u>09/13/96</u> (Filing date)	<u>Pending</u> (Status, patented, pending, abandoned)
<u>08/667,003</u> (Application Serial No.)	<u>06/20/96</u> (Filing date)	<u>Pending</u> (Status, patented, pending, abandoned)
<u>08/616,371</u> (Application Serial No.)	<u>03/15/96</u> (Filing date)	<u>Pending</u> (Status, patented, pending, abandoned)
<u>08/616,259</u> (Application Serial No.)	<u>03/15/96</u> (Filing date)	<u>Pending</u> (Status, patented, pending, abandoned)

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

I also hereby grant additional Powers of Attorney to the following attorney(s) and/or agent(s) to file and prosecute an international application under the Patent Cooperation Treaty based upon the above-identified application, including a power to meet all designated office requirements for designated states:

David E. Brook	Reg. No. 22,592	Thomas O. Hoover	Reg. No. 32,470
James M. Smith	Reg. No. 28,043	Alice O. Carroll	Reg. No. 33,542
Leo R. Reynolds	Reg. No. 20,884	N. Scott Pierce	Reg. No. 34,900
Patricia Granahan	Reg. No. 32,227	Richard A. Wise	Reg. No. 18,041
Mary Lou Wakimura	Reg. No. 31,804	Carol A. Egner	Reg. No. 38,866

all of Hamilton, Brook, Smith and Reynolds, P.C., Two Militia Drive,  
Lexington, Massachusetts 02173;

and \_\_\_\_\_

Send correspondence to: David E. Brook, Esq.  
Hamilton, Brook, Smith & Reynolds, P.C.,  
Two Militia Drive, Lexington, Massachusetts 02173

Direct telephone calls to: David E. Brook, Esq.  
(617) 861-6240

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of sole

or first inventor Jonathan S. Stamler

Inventor's

Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 101 Juniper Place

Chapel Hill, North Carolina 27514

Citizenship U.S.A.

Post Office Address Same as above

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Full name of second joint

inventor, if any Andrew J. Gow

Inventor's

Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 3541 Windridge Drive

Doylestown, Pennsylvania 18901

Citizenship Great Britain

Post Office Address Same as above

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(d))-NONPROFIT ORGANIZATION**DOCKET NUMBER: DUK97-02MApplicant or Patentee: Jonathan S. Stamler and Andrew J. GowSerial or Patent No.: 08/874,992Filed or Issued: June 12, 1997Title: NO-MODIFIED HEMOGLOBINS AND USES THEREFOR

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION Duke University Medical CenterADDRESS OF NONPROFIT ORGANIZATION Erwin RoadDurham, North Carolina 27710**TYPE OF NONPROFIT ORGANIZATION:**

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C.501(a) and 501(c)(3))  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))  
IF LOCATED IN THE UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED  
STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

I hereby declare the rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern or organization is listed below.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Robert L. TaberTITLE IN ORGANIZATION OF PERSON SIGNING Associate Vice Chancellor, Duke UniversityADDRESS OF PERSON SIGNING Office of Science and Technology, 230 North Building, Research DriveDurham, North Carolina 27710-0083SIGNATURE DATE 7/6/97